THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17457 of 2005

DATED:08-08-2005

Between:

P.Ramayya

..... PETITIONER

AND

1. The Regional Manager, APSRTC,

Srikakulam Region, Srikakulam and 2 others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO:17457 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the third respondent in imposing four punishments on the same day by different proceedings dated 02-08-2002 withholding of one annual increment with

cumulative effect in each case.

2. The grievance of the petitioner is that the third respondent passed the impugned order without conducting any regular departmental enquiry even though a show cause notice was issued for which the petitioner submitted his explanation. If the third respondent was not satisfied with the explanation offered by the petitioner, the course open to him is to conduct a regular departmental enquiry. But without doing so, passed orders in all the four cases imposing almost identical punishment of withholding of one annual increment with cumulative effect in each case. Though the petitioner filed appeal and review, he was not successful. Therefore, the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner contended that the punishment imposed by the third respondent which was confirmed by the other respondents is contrary to the judgments of this Court as well as the Supreme Court and in fact, stated that this Court has set aside the same in number of similar cases where major penalty was imposed without conducting regular departmental enquiry and sought to set aside the same.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

5. As major penalty was imposed by the third respondent in four similar cases by separate proceedings, without conducting any regular departmental enquiry, which are confirmed by the respondents 1 and 2, the same is illegal and unsustainable and therefore, this Court inclines to set aside the same at the admission stage.

6. Accordingly, the impugned orders are set aside and the matters are restored to the file of the third respondent and the third respondent is directed to conduct a regular departmental enquiry and pass appropriate orders.

7. The writ petition is accordingly disposed of. No order as to costs.

S.ANANDA REDDY, J

08th August, 2005

SKM